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In re Application of
YASUFUMI ASA
Application No.: 10/542,631 : DECISION ON
PCT No.: PCT/JP04/009285 :
Int. Filing Date: 24 June 2004 : PETITION
Priority Date: 09 July 2003 :
Attorney's Docket No.: 03500.018240 : UNDER 37 CFR 1.181
For: ECB-TYPE COLOUR... :
DEPENDENCY OF COLOUR TONE :
:

This decision is in response to the "PETITION UNDER 37 CFR 1.181 TO CORRECT ERRONEOUS NOTIFICATION OF ACCEPTANCE," filed on 03 April 2008, which is being treated as a petition under 37 CFR 1.181 requesting that the 371(c)(1), (c)(2), and (c)(4) date of the above application be corrected to July 19, 2005.

BACKGROUND

On 19 July 2005, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and a copy of the international application. Applicant also allegedly filed an executed declaration on such date.

On 30 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date" must be submitted within two months from date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 08 January 2008, applicant filed another copy of the executed declaration allegedly filed on 19 July 2005.

On 01 February 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" which informed applicants that the 371(c)(1), (c)(2) and (c)(4) and that the date of completion of all 35 U.S.C. 371 is 08 January 2008.

On 03 April 2008, applicant submitted the present petition.

DISCUSSION

The postcard lists the items submitted on 19 July 2005, and it indicates that, *inter alia*, an Executed Declaration was submitted to the U.S. Patent Office on such date.

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped by the PTO.

Applicant's postcard is accepted as *prima facie* that, *inter alia*, that the Executed Declaration was submitted to the U.S. Patent Office on 19 July 2005.

Accordingly, this is the date that all of the requirements under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) have been satisfied.

DECISION

The petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 01 February 2008 is **VACATED** with the mailing of this decision.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **19 July 2005**.



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